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EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

Financing and adequate staff resources for the operations of the human rights treaty bodies

Report of the Secretary-General

1. The present report is submitted in accordance with General Assembly resolution 48/120 of 20 December 1993, which requested the Secretary-General, inter alia, to report on the question of ensuring financing and adequate staffing resources for the operations of the treaty bodies to the Commission on Human Rights at its fiftieth session.

2. The discrepancy between the workload associated with the operations of the treaty bodies and available staff capacity within the Centre for Human Rights has been growing for a number of years and has widened dramatically over the past five years. This fact has been described and reported to the relevant United Nations organs, including the Commission on Human Rights, the Economic and Social Council and the General Assembly. 1/ Although those organs have repeatedly drawn attention (as in General Assembly resolution 48/120 and in Commission on Human Rights resolution 1993/16) to the need for additional staff and financial resources for treaty body operations, the difficulties in that regard have continued. The World Conference on Human Rights, in part II, paragraphs 9 to 12 and 15 of the Vienna Declaration and Programme of Action, 2/ likewise called for substantial increases in resources for the human rights programme and "for the system of thematic and country rapporteurs, experts, working groups and treaty bodies". 3/

3. The continuing difficulties being experienced in this regard have been addressed by several knowledgeable observers. The chairpersons of the human rights treaty bodies, for example, have noted that there was a "close link between adequate secretariat resources and the effective functioning of the treaty body system" and a "critical need for additional staffing" (A/47/628, annex, para. 20) in view of the increased workload resulting from the large number of additional States parties to the various instruments, the additional services being requested of the Secretariat by the treaty bodies and the large amount of information from various United Nations bodies and agencies, as well as from intergovernmental and non-governmental organizations that needed to be processed and analysed. The inadequacy of resources was such, in their view, that "requests for assistance by the various treaty bodies are sometimes unable to be met, despite the fact that such requests have been kept at an artificially low level in recognition of the impossibility of greater assistance being provided from existing resources" (ibid., para. 50).

4. In his interim report to the World Conference on Human Rights on his updated study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under the United Nations instruments on human rights, the independent expert stated that: 4/

> "The present, grossly inadequate, level of available resources virtually condemns the treaty bodies to function at a level of efficiency and effectiveness that is far below what could readily be achieved if less short-sighted policies were adopted in this regard by the Member States of the Organization as a whole. Ironically, it is often the Member States themselves who pay the penalty of the resulting inefficiency."

5. The independent expert concluded that: 5/

> "Existing level of secretariat servicing provided to the treaty bodies is entirely inadequate. Computerization needs to be expedited; a documentation unit established; an inventory of committee needs should be drawn up; CEDAW should be serviced by the Centre for Human Rights; specialist expertise must be developed within the secretariat, in the context of a major restructuring of existing servicing arrangements; and greatly increased resources need to be made available."

He also recommended that interaction between the universal and regional systems should become more substantive and that databases should be developed to enable the jurisprudence of each body to be available to the others.

6. In accordance with a recommendation made at the fourth meeting of persons chairing the human rights treaty bodies (A/47/628, annex, para. 80), which was welcomed by the General Assembly in its resolution 47/125 of 18 December 1992, the Secretariat organized within the framework of the World Conference on Human Rights at Vienna, on 15 and 16 June 1993, a meeting of the persons chairing the human rights treaty bodies and those chairing each of the principal regional and other human rights organizations, including the African Commission on Human and Peoples' Rights, the European Commission on Human Rights, the European Court of Human Rights, the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights and the Committee on

the Application of Conventions and Recommendations of the International Labour Organisation. In the Vienna Statement of the International Human Rights Treaty Bodies, the meeting noted that there were currently 10 persons at the Professional level available to service six treaty bodies and three communications procedures and, in that connection, underlined that: 6/

> "The provision of resources sufficient to enable the various treaty bodies to perform the functions which have been entrusted to them is an obligation of the United Nations and of other relevant international organizations. In recent years, within the United Nations, a dramatic growth has been witnessed in the number of treaty bodies, the number of States parties to the relevant treaties, and the range of functions performed by those bodies. These developments have not, however, been matched by appropriate financial or staff resource allocations."

7. In its recommendations for enhancing the effectiveness of United Nations activities and mechanisms, the meeting recommended that a minimum of 30 Professional posts should be provided to the Centre for Human Rights in order to enable the various treaty bodies to perform the functions that have been entrusted to them.

8. Information concerning the overall financial and staff resource situation of the Centre for Human Rights under the 1994-1995 budget is being provided to the Commission under item 11 of its agenda.

Notes

1/ See, for example, the reports contained in documents E/1990/50, A/45/807, A/47/702 and E/CN.4/1993/87.

2/ A/CONF.157/23.

3/ Ibid., para. 15.

4/ A/CONF.157/PC/62/Add.11/Rev.1, para. 206.

5/ Ibid., Conclusions and recommendations, para. 31.

6/ A/CONF.157/TBB/4, para. 8.